

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

AMO DEVELOPMENT, LLC, )  
AMO MANUFACTURING USA, LLC )  
and AMO SALES AND SERVICE, )  
INC., )

Plaintiffs, )

v. )

ALCON VISION, LLC, )  
ALCON LABORATORIES, INC. and )  
ALCON RESEARCH, LLC, )

Defendants. )

C.A. No. 20-842 (CFC) (JLH)

ALCON INC., ALCON RESEARCH, )  
LLC, and ALCON VISION, LLC, )

Counterclaim Plaintiffs, )

v. )

AMO DEVELOPMENT, LLC, )  
AMO MANUFACTURING USA, )  
LLC, AMO SALES AND SERVICE, )  
INC. and JOHNSON & JOHNSON )  
SURGICAL VISION, INC., )

Counterclaim Defendants. )

**PLAINTIFFS' DAUBERT MOTION (NO. 3) TO EXCLUDE TESTIMONY  
OF JULIE DAVIS REGARDING DEDUCTION OF IOL COSTS**

Pursuant to Federal Rule of Evidence 702, Plaintiffs respectfully move to  
exclude testimony of Defendant's damages expert, Julie Davis, regarding deduction

of costs to determine Defendant's profits on IOL sales, as reflected in footnote 16 and Exhibit 5 Schedules 1-2 of her Rebuttal Report.<sup>1</sup>

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AMO Manufacturing USA, LLC,  
AMO Sales and Service, Inc. and  
Johnson & Johnson Surgical Vision, Inc.*

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<sup>1</sup> Pursuant to D. Del. LR 7.1.1, the parties met and conferred on this matter, including Delaware counsel for both the moving party and opposing party, but no agreement could be reached.

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August 19, 2022

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INC. and JOHNSON & JOHNSON )  
SURGICAL VISION, INC., )

Counterclaim Defendants. )

**[PROPOSED] ORDER GRANTING PLAINTIFFS' *DAUBERT***  
**MOTION (NO. 3) TO EXCLUDE TESTIMONY OF JULIE DAVIS**  
**REGARDING DEDUCTION OF IOL COSTS**

Before this Court is Plaintiffs' motion to exclude testimony of Julie Davis regarding deduction of costs to determine Defendants' profits on IOL sales, as reflected in footnote 16 and Exhibit 5 Schedules 1-2 of her Rebuttal Report. Having reviewed the motion and all related briefing, and for good cause shown, the Court concludes that the testimony at issue fails to meet the requirements imposed by Federal Rule of Evidence 702 and should be excluded.

IT IS HEREBY ORDERED that Plaintiffs' motion is GRANTED.

IT IS SO ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2022.

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The Honorable Colm F. Connolly  
Chief, United States District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on August 19, 2022, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on August 19, 2022, upon the following in the manner indicated:

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